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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,236	03/06/2007	Furong Zhu	34018-1040	8256
45263 7590 05/08/2008 MITCHELL P. BROOK LUCE, FORWARD, HAMILTON & SCRIPPS LLP 11988 EL CAMINO REAL, SUITE 200 SAN DIEGO, CA 92130				
EXAMINER				
HINES, ANNE M				
ART UNIT		PAPER NUMBER		
2879				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,236

Applicant(s)

ZHU ET AL.

Examiner

ANNE M. HINES

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21, 23-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 is/are allowed.
- 6) ☒ Claim(s) 1-19, 21, 23-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/12/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on February 12, 2008, has been entered and acknowledged by the Examiner.

Claims 1-19, 21, 23-25, and 27 are pending in the instant application.

Claim Objections

Claim 29 is objected to because of the following informalities: Claim 29 is marked as "previously presented", however upon review of all sets of claims on record with the Office, the Examiner notes that the claim 29 presented in the instant claims (filed 2/12/2008) was not previously presented; specifically, claim 29 was cancelled in the claims of 10/5/2007. Claims that are cancelled cannot be reinstated except as a new claim with a new number. The claim presented as claim 29 in the claims of 2/12/2008 should have been presented as new claim 30. See 37 CFR 1.121 (c)(5). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 11, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Winans et al. (US 2002/0173354).

Regarding claim 1, Winans discloses a flexible organic light emitting device comprising a flexible substrate (Fig. 7, 451; Page 12, Paragraph [0119]), a lower electrode layer the flexible substrate (Fig. 7, 452; Page 12, Paragraph [0117]), an upper electrode layer that is at least semi-transparent (Fig. 7, 454; Page 12, Paragraph [0117]; Page 12, Paragraph [0120]), an organic region between the lower electrode layer and the upper electrode layer, in which electroluminescence can take place when a voltage is applied between the lower electrode and the upper electrode (Fig. 7, 453; Page 12, Paragraph [0116]), wherein the flexible substrate is comprised of a metal foil (Page 12, Paragraph [0119]), and wherein the metal foil is disposed such that light generated as a result of the electroluminescence directed towards the metal foil is reflected back to the at least semi-transparent upper electrode layer for enhancing light output from the flexible organic light emitting device (Page 12, Paragraph [0119]).

Regarding claim 9, Winans further discloses wherein the upper electrode layer is transparent (Page 12, Paragraph [0120]).

Regarding claim 11, Winans further discloses wherein the upper electrode layer is a semitransparent or transparent cathode (Page 12, Paragraph [0120]).

Regarding claim 28, Winans further discloses wherein the organic region comprises a hole transporting layer and an emissive layer or an electron transporting layer (Page 12, Paragraph [0116]).

Regarding claim 29, Winans further discloses wherein the organic region comprises a hole transporting layer, an emissive layer, and an electron transporting layer (Page 12, Paragraph [0116]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2-8, 12-13, 15 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima (US 2003/0178937) (or record) in view of Winans et al. (US 2002/0173354).

Regarding claim 1, Mishima teaches a flexible organic light emitting device comprising a flexible substrate (Page 2, Paragraph [0023]), a lower electrode layer the flexible substrate (Page 3, Paragraph [0034]), an upper electrode layer that is at least semi-transparent (Page 5, Paragraph [0066]), an organic region between the lower electrode layer and the upper electrode layer, in which electroluminescence can take place when a voltage is applied between the lower electrode and the upper electrode (Page 3, Paragraphs [0039]-[0044]), wherein the flexible substrate is comprised of a metal foil (Page 2, Paragraph [0023]). Mishima fails to teach wherein the metal foil is reflective such that light generated as a result of the electroluminescence directed

towards the metal foil is reflected back to the at least semi-transparent upper electrode for enhancing light output from the flexible organic light emitting device.

In the same field of endeavor of flexible organic light emitting devices formed on metal foils, Winans teaches wherein the metal foil is reflective in order to form a device that forms the exterior surface of a gaming device (Page 12, Paragraphs [0119]-[0120]).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Mishima to have the flexible metal foil be reflective in order to form a device that forms the exterior surface of a gaming device, as disclosed by Winans, thereby reflecting light generated as a result of the electroluminescence directed towards the metal foil back to the at least semi-transparent upper electrode for enhancing light output from the flexible organic light emitting device.

Regarding claim 2, Mishima further discloses wherein at least one of the upper and lower electrodes has an interfacial modified surface for enhancing charge carrier injection (Page 3, Paragraph [0033]).

Regarding claim 3, Mishima further discloses wherein the at least one of the upper or lower electrodes comprises a metal electrode, and wherein the interfacial surface is modified using inorganic or organic materials or a transparent conductive oxide (Page 3, Paragraph [0033]).

Regarding claim 4, Mishima further discloses wherein the flexible substrate is comprised of a plastic layer laminated to or coated with an aluminum layer, the plastic

layer being positioned between the lower electrode and the aluminum layer (Page 2, Paragraph [0023]).

Regarding claim 5, Mishima further discloses wherein the flexible substrate is comprised of a steel foil (Page 2, Paragraph [0023]).

Regarding claim 6, Mishima further discloses wherein the device further comprises an isolation layer between the flexible substrate and the lower electrode layer (Page 2, Paragraph [0023]).

Regarding claim 7, Mishima further discloses wherein the isolation layer is a spin-coated polymeric layer or a dielectric layer (Page 2, Paragraph [0024]).

Regarding claim 8, Mishima further discloses an isolation layer between the steel foil and the lower electrode (Page 2, Paragraph [0023]).

Regarding claim 12, Mishima further discloses wherein the upper electrode layer is a multilayer structure comprising at least one semitransparent or transparent conductive film (Page 5, Paragraph [0067]).

Regarding claim 13, Mishima further discloses wherein the multilayer structure comprises an index-matching layer of a material having an index of refraction index chosen such that the light output is further enhanced, and a charge carrier injection layer (Page 5, Paragraph [0067]; Page 7, Paragraph [0086]). Note that the Examiner considers the phrase 'chosen such that the light output is further enhanced' to be a claim to a product by process; in a claim to a device it is the claimed structure and not the process which is given patentable weight, in this instance Mishima's disclosed

structure of an aluminum layer with an ITO layer formed on it characteristically meets the required structure of a charge injection layer with an index-matching layer.

Regarding claim 15, Mishima further discloses wherein the index-matching layer comprises an inorganic material having a refractive index effective for enhancing light output (Page 7, Paragraph [0086]).

Regarding claim 23, Mishima further discloses wherein the multilayer structure is a cathode and the charge carrier injection layer is an electron injection layer (Page 5, Paragraph [0067]; Page 7, Paragraph [0086]).

Regarding claim 24, Mishima further discloses wherein the electron injection layer comprises a low work function metal (Page 5, Paragraph [0067]; Page 7, Paragraph [0086]).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winans et al. (US 2002/0173354) in view of Silvernail et al. (US 6597111).

Regarding claim 10, Winans teaches the invention of claim 1, including wherein both the anode and cathode are multi-layer are transparent layers (Page 12, Paragraphs [0117]-[0120]), but fails to teach wherein light from the top-emitting device is emitted through the anode.

In the same field of endeavor, Silvernail teaches wherein an OLED is provided with either the anode or cathode as the top light emitting electrode, thus exemplifying recognized equivalent structures of the OLED in the art (Figs. 1A-1B; Column 1, line 52 to Column 2, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the top light emitting electrode of Winans as the anode instead of as the cathode, since the selection of any of these known equivalents would be considered within the level of ordinary skill in the art as evidenced by Silvernail's teaching.

Claims 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima (US 2003/0178937) (of record) and Winans et al. (US 2002/0173354) in view of Tyan et al. (US 2004/0149984).

Regarding claim 14, Mishima and Winans teach the invention of claim 13, but fail to teach wherein the index-matching layer comprises an organic material having a refractive index for enhancing light output.

In the same field of endeavor, Tyan teaches a top-emitting OLED with a cathode including an electron injection layer of Li and Ag and an organic index-matching layer of Alq3 as an absorption reduction layer (Page 11, Paragraphs [0109]-[0115]) with a high refractive index in order to improve the luminance of the device (Page 3, Paragraph [0034]).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Mishima and Winans to have the multi-layer cathode have a high refractive index absorption reduction layer of Alq3 in order to improve the luminance of the device, as disclosed by Tyan.

Regarding claim 25, Mishima and Winans teach the invention of claim 13, including wherein the electron injection layer is a rare earth metal (Mishima Page 5, Paragraph [0067]), but fail to teach wherein the index-matching layer comprises Alq3 or NPB.

In the same field of endeavor, Tyan teaches a top-emitting OLED with a cathode including an electron injection layer of Li and Ag and an organic index-matching layer of Alq3 as an absorption reduction layer (Page 11, Paragraphs [0109]-[0115]) with a high refractive index in order to improve the luminance of the device (Page 3, Paragraph [0034]).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Mishima and Winans to have the multi-layer cathode have a high refractive index absorption reduction layer of Alq3 in order to improve the luminance of the device, as disclosed by Tyan.

Claims 16-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima (US 2003/0178937) (of record) and Winans et al. (US 2002/0173354) in view of Silvernail et al. (US 6597111).

Regarding claim 16, Mishima and Winans teach the invention of claim 13, including wherein both the anode and cathode are multi-layer structures including charge injection layers and transparent ITO layers (Mishima Page 3, Paragraph [0033]; Page 5, Paragraph [0067]), but fail to teach wherein light from the top-emitting device is emitted through the anode.

In the same field of endeavor, Silvernail teaches wherein an OLED is provided with either the anode or cathode as the top light emitting electrode, thus exemplifying recognized equivalent structures of the OLED in the art (Figs. 1A-1B; Column 1, line 52 to Column 2, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the top light emitting electrode of Mishima and Winans as the anode instead of as the cathode, since the selection of any of these known equivalents would be considered within the level of ordinary skill in the art as evidenced by Silvernail's teaching.

Regarding claim 17, Mishima further discloses wherein the hole injection layer comprises a high work function metal or a transparent conductive oxide (Page 3, Paragraph [0033]).

Regarding claim 18, Mishima further discloses wherein the high work function metal is gold or silver (Page 3, Paragraph [0033]).

Regarding claim 19, Mishima further discloses wherein the transparent conductive oxide is ITO (Page 3, Paragraph [0033]).

Regarding claim 21, Mishima further discloses wherein the hole injection layer comprises an organic material, an inorganic material, or a combination of inorganic and organic materials that are effective for hole injection (Page 3, Paragraph [0033]).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima (US 2003/0178937) (of record) and Winans et al. (US 2002/0173354) in view of Lee et al. (US 2003/0234608).

Regarding claim 27, Mishima and Winans teach the invention of claim 23, and wherein the cathode is a two layer structure comprising an electron injection layer of Ca and a second layer of Ag (Mishima Page 5, Paragraph [0067]; Page 6, Paragraph [0070]; Page 3, Paragraph [0033]), but fail to teach wherein the cathode comprises a lithium fluoride layer under the Ca layer.

In the same field of endeavor, Lee teaches wherein the electron injection layer for an OLED is a Ca/LiF laminate with the LiF layer adjacent the organic layers of the organic device in order to provide an electron injection layer that keeps the driving voltage of the device low (Pages 4-5, Paragraphs [0057]-[0058]).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Mishima and Winans to have the electron injection layer be the Ca/LiF laminate of Lee with the LiF layer closer to the organic layers of the device in order to provide an electron injection layer that keeps the driving voltage of the device low, as disclosed by Lee.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne M. Hines whose telephone number is (571) 272-2285. The examiner can normally be reached on Monday through Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2879

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anne M Hines/
Patent Examiner
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